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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,081	08/30/2006	Thomas Huber	59482.21840	3688
36734 7590 03/31/2009 BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304				
EXAMINER				
O'HARA, BRIAN M				
ART UNIT		PAPER NUMBER		
3644				
MAIL DATE		DELIVERY MODE		
03/31/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/565,081

**Applicant(s)**

HUBER ET AL.

**Examiner**

Brian M. O'Hara

**Art Unit**

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergholz (US Patent 4,479,621, A). Bergholz discloses a cargo deck (see Fig. 2), comprising: a plurality of flat floor elements (13), a plurality of functional units (35), a plurality of profile elements (33), such that the flat floor elements and profile elements form deck sections (see Figs. 3 and 4).
3. With regard to independent claims 16 and 20, Bergholz discloses, in addition to the elements cited in claim 1, substantially planar floor elements (13) having first and second opposite sides (see Fig. 3), wherein said first side of each said plurality of substantially planar floor elements is adjacent and connected to said first longitudinal side of a respective one of said plurality of elongate profile elements and said second side of each of said plurality of substantially planar floor elements is adjacent and connected to said second longitudinal side of a respective other of said plurality of elongate profile elements (see connected floor elements (13) of Figs. 3 and 8).
4. With further regard to claim 20 specifically, Bergholz discloses a plurality of cargo deck modules defining said cargo deck (see Fig. 3). Each module comprises two planar floor elements.

5. In regard to claims 2-5, Bergholz discloses a plurality of deck sections (12), which are decoupled from each other (see Fig. 8), and intermediate elements (19, 20) for transmitting longitudinal forces to ribs (22), which connect to the aircraft skin (16).
6. In regard to claims 6-10, Bergholz discloses transverse beams (42) and modules (see Fig. 12a), the end sections of the transverse beams (42) transmitting forces to the aircraft skin by way of two intermediate elements (47, 30) at end corners of the deck sections (12).
7. In regard to claim 11, Bergholz discloses supporting feet (15) for attaching to ribs (22).
8. In regard to claims 12-15, Bergholz discloses attaching the deck sections to longitudinal beams (24) for transmitting longitudinal forces for the side edges (33) of deck sections (12); the longitudinal beams being attached to the aircraft ribs (22); the deck sections being attached within the aircraft via rapid-closure elements (column 6, lines 47-51).
9. With regard to claims 17-19 and 21-22, Bergholz discloses transverse support elements (42), which extend perpendicular to a longitudinal direction of each of said plurality of elongate profile elements, extend across an entire width of said cargo deck, and a plurality of walls, (see Fig 2).

***Response to Arguments***

10. Applicant's arguments filed 01/02/2009 have been fully considered but they are not persuasive.

11. The objection to the specification stated in the office action mailed 10/01/2008 for the reference to claim 1 is withdrawn. The preliminary amendment to the specification received 01/18/2006 is acknowledged.

12. On page 7, paragraph 4, of applicant's remarks/arguments, applicant states the seat support rails of Bergholz are known in the art as solely fulfilling the function of securing seat modules. The seat rails (34) shown have the ability to receive a seat support, slide the seat into position (the rail has a slot or opening along its top edge), and then secure the seat support. The seat rails of Bergholz therefore have the ability to provide moving and fixing of a load to the cargo deck.

13. In the last paragraph of page 7 and the first paragraph of page 8, applicant states that the upper covering layers (13) and edge support pieces (33) of Bergholz do not extend across the entire width of the cargo compartment. The cargo compartment is defined by the area in which cargo is held, i.e., the area directly above the covering layers (33), up to the edge support pieces (33). The area above the gap rods (20, 21) is not designed to hold cargo and thus is not part of the cargo compartment. The elements listed meet the claim of "form deck sections that each extend across the entire width" of the cargo compartment.

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. O'Hara whose telephone number is (571)270-5224. The examiner can normally be reached on Monday thru Friday 10am - 5pm except the first Friday of every Bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rob Swiatek/  
Primary Examiner, Art Unit 3643  
26 March 2009

/B. M. O./  
Examiner, Art Unit 3644